

AMENDED IN ASSEMBLY AUGUST 8, 2013

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN SENATE MAY 21, 2013

AMENDED IN SENATE MAY 1, 2013

AMENDED IN SENATE APRIL 16, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 491

Introduced by Senator Hernandez

February 21, 2013

An act to add Section 2835.3 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 491, as amended, Hernandez. Nurse practitioners.

Existing law, the Nursing Practice Act, provides for the licensure and regulation of nurse practitioners by the Board of Registered Nursing. Existing law authorizes the implementation of standardized procedures that authorize a nurse practitioner to perform certain acts, including, among others, ordering durable medical equipment, and, in consultation with a physician and surgeon, approving, signing, modifying, or adding to a plan of treatment or plan for an individual receiving home health services or personal care services. A violation of those provisions is a crime.

This bill would authorize a nurse practitioner to perform those acts and certain additional acts without physician supervision if the nurse practitioner meets specified experience and certification requirements.

The bill would require a nurse practitioner to refer a patient to a physician and surgeon or other licensed health care provider under certain circumstances, and would require specified nurse practitioners to maintain a current list of licensed health care providers most often used for the purposes of obtaining information or advice. The bill would also require a nurse practitioner practicing under these provisions to maintain professional liability insurance, as specified. *The bill would also specify that a nurse practitioner practicing under the provisions of the bill shall not supplant a physician and surgeon employed by specified health care facilities.* Because a violation of those provisions would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2835.3 is added to the Business and
- 2 Professions Code, to read:
- 3 2835.3. (a) Notwithstanding any other provision of this chapter,
- 4 a nurse practitioner who holds a certification as a nurse practitioner
- 5 from a national certifying body may practice under this section
- 6 without physician supervision if the nurse practitioner meets the
- 7 requirements of this article and one of the following is met:
- 8 (1) He or she has practiced under the supervision of a physician
- 9 ~~for two years or~~ at least 4160 hours and is practicing in one of the
- 10 following:
- 11 (A) A clinic, health facility, or county medical facility.
- 12 (B) An accountable care organization, as defined in Section
- 13 3022 of the federal Patient Protection and Affordable Care Act
- 14 (Public Law 111-148).
- 15 (C) A group practice, including a professional medical
- 16 corporation, another form of corporation controlled by physicians
- 17 and surgeons, a medical partnership, a medical foundation exempt
- 18 from licensure, or another lawfully organized group of physicians

1 that delivers, furnishes, or otherwise arranges for or provides health
2 care services.

3 (2) He or she has practiced under the supervision of a physician
4 for at least ~~three years or~~ 6240 hours.

5 (b) Notwithstanding any other law, in addition to any other
6 practices authorized in statute or regulation, a nurse practitioner
7 practicing under this section may do any of the following:

8 (1) Order durable medical equipment. Notwithstanding that
9 authority, nothing in this paragraph shall operate to limit the ability
10 of a third-party payer to require prior approval.

11 (2) After performance of a physical examination by the nurse
12 practitioner, certify disability pursuant to Section 2708 of the
13 Unemployment Insurance Code.

14 (3) For individuals receiving home health services or personal
15 care services, approve, sign, modify, or add to a plan of treatment
16 or plan of care.

17 (4) Assess patients, synthesize and analyze data, and apply
18 principles of health care.

19 (5) Manage the physical and psychosocial health status of
20 patients.

21 (6) Analyze multiple sources of data, including patient history,
22 general behavior, and signs and symptoms of illness, identify
23 alternative possibilities as to the nature of a health care problem,
24 and select, implement, and evaluate appropriate treatment.

25 (7) Establish a diagnosis by client history, physical examination,
26 and other criteria, consistent with this section.

27 (8) Order, furnish, or prescribe drugs or devices.

28 (9) Refer patients to physicians or other licensed health care
29 providers as provided in subdivision (c).

30 (10) Delegate tasks to a medical assistant that are within the
31 medical assistant's scope of practice.

32 (11) Perform additional acts that require education and training
33 and that are recognized by the ~~nursing profession~~ *board* as proper
34 to be performed by a nurse practitioner.

35 (12) Order hospice care as appropriate.

36 (13) Perform procedures that are necessary and consistent with
37 the nurse practitioner's education and training.

38 (c) A nurse practitioner shall refer a patient to a physician and
39 surgeon or another licensed health care provider if a situation or

1 condition of the patient is beyond the nurse practitioner's education
2 or training.

3 (d) A nurse practitioner described in paragraph (2) of subdivision
4 (a) shall maintain a current list of licensed health care providers
5 most often used for the purposes of obtaining information or
6 advice.

7 (e) A nurse practitioner practicing under this section shall
8 maintain professional liability insurance that is appropriate for his
9 or her practice setting.

10 (f) Nothing in this section shall do either of the following:

11 (1) Limit a nurse practitioner's authority to practice nursing.

12 (2) Limit the scope of practice of a registered nurse authorized
13 pursuant to this chapter.

14 (g) The board shall adopt regulations by ~~September 1, 2014~~ July
15 1, 2015, establishing the means of documenting completion of the
16 requirements of this section.

17 (h) *A nurse practitioner practicing pursuant to this section shall*
18 *not supplant a physician and surgeon employed by a health care*
19 *facility specified in subparagraph (A) of paragraph (1) of*
20 *subdivision (a).*

21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.